REMARKS

Claim Amendments

The claims have been amended for clarity. In addition, claim 1 has been amended to remove "asynchronous". Support for this amendment can be found at least in paragraph [0011] of the specification as originally filed.

Claim Objections

Claims 1-14 are objected to for various informalities. The claims have been amended and the Applicant believes the informalities have been corrected.

Claim Rejections – 35 USC § 112

Claim 1 is rejected under 35 USC 112(2) as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the Examiner has objected to the step of "providing from said at least one application..." and the step of "implementing one at a time...". The Applicant has amended both of these statements and believes that claim 1 meets the requirements of 35 USC 112(2).

Claim Rejections – 35 USC § 103

Claims 1-14 are rejected under 35 USC 103(a) as being unpatentable over Dingwall et al. (US 5,903,752) in view of Leavy et al. (US 5,608,651). This rejection is respectfully traversed for the following reasons.

The Examiner has acknowledged that Dingwall fails to teach "having said at least one application at said user mode level determine a sequence to be followed for a set of asynchronous commands". The Applicant would like to reiterate to the Examiner that Dingwall is fundamentally incompatible with this step and cannot be combined with another reference to teach the subject matter

of claim 1. Kindly refer to the remarks section of the response submitted on February 9, 2009.

Similarly, the Applicant respectfully submits that Leavy is also fundamentally different from the subject matter of the present claims and fails to complement the teachings of Dingwall such that the combination of Dingwall and Leavy teach the subject matter of claim 1.

The Examiner points to 235a in figure 3 of Leavy to show an application program at user mode level, and to col. 3, lines 60-63 and col. 5, lines 8-17 to show that this application at user mode level can determine a sequence to be followed for a set of commands. The passage found in col. 5 reads as follows:

> *As specifically shown in FIG. 3, the non-real-time operating system 240 (preferably Windows^{TM}) includes the Wave API 300 which provides a standard interface **for at least one of the plurality of application programs 235a (e.g., legacy application programs) to transfer a media stream, having a format dictated by the Wave API 300, into the real-time media driver 305**. The real-time media driver 305 comprises a wave driver 310, a media scheduler 315 and a mini-device driver 320. It is contemplated that at least one of these plurality of application programs (e.g., a future application program 235n) may be configured to set up tasks within the media scheduler 315 to receive information directly from the application program 235n rather than being propagated through the wave driver 310.* (emphasis added).

What Leavy is saying is that application 235a is one of many possible sources for media streams being transferred to a real-time media driver 305. Application 235a is not an application at user mode level that can determine a sequence to be followed for a set of commands. Leavy teaches a system that will take a plurality of multi-media streams from a plurality of applications (such as application program 235a) and "appropriately mixes media to produce multi-channel media according to a certain "prioritized sharing" policies" (see abstract). There are no teachings of "a sequence to be followed" for the "commands", and

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no suggestions of any sort that an application be used in the context of the system of Leavy to "determine a sequence to be followed for a set of commands".

Moreover, the Applicant would like to point out that "media streams" do not read on "commands". The teachings of Leavy are clearly directed towards receiving and mixing "media streams" using a "real-time media driver". The "real-time media driver" has a fixed function and its behavior cannot be modified depending on the input. The driver will receive at least two media streams and will mix these media streams, independently of the content of the media streams. The media streams therefore cannot be construed as "a set of commands" as the media streams do not cause the media driver to act in a certain way as a function of content.

The passage found in col. 3 states the following:

A "task" is a sequence of instructions ("program") for performing operations which controls the propagation of media between devices.

The Applicant respectfully submits that this statement is merely a definition for the term "task", and does not constitute, by itself or in combination with the rest of Leavy, teachings of "an application at user mode level that can determine a sequence to be followed for a set of commands".

Therefore, the Applicant respectfully requests that the rejection against claims 1-14 be withdrawn.

Conclusions

It is believed that Claims 1-14 are allowable over the prior art and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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